

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

| | | |
|--------------------------|---|---------------------------|
| UNITED STATES OF AMERICA |) | |
| |) | CRIMINAL NO. 5:19-cr-0086 |
| v. |) | |
| |) | |
| MAURICE JOHNSON |) | |

**DEFENDANT'S MOTION FOR DOWNWARD DEPARTURE AND/OR
VARIANCE FROM GUIDELINE SENTENCE**

NOW COMES, Defendant Maurice Johnson, by and through undersigned counsel, and hereby moves this Court pursuant to U.S.S.G. §5K2.0 for a downward departure from the guideline sentencing range of 51-63 months or a variance from that sentencing range based on a combination of factors as outlined in Mr. Johnson's sentencing memorandum. *United States v. Rioux*, 97 F.3d 648, 663 (2d Cir. 1996) (a district court may downwardly depart when a number of factors that, when considered individually, would permit a downward departure, combine to create a situation that 'differs significantly from the "heartland" cases covered by the guidelines.'" *Irizarry v. United States*, 553 U.S. 708, 714 (2008) (a "variance" refers to a non-guideline sentence outside the Sentencing Guideline framework).

In support of this motion, Defendant Johnson would reference the facts outlined in the Presentence Report and his Sentencing Memorandum that demonstrate that he has: (1) followed facility rules and taken advantage of programming while in pretrial detention; (2) strong ties to his family and his community; (3) employment once he is released from custody; and, (4) preexisting physical/medical conditions that leave him particularly vulnerable to COVID-19 should he become infected while incarcerated.

DATED at Burlington, Vermont, this 10th day of December, 2020.

MAURICE JOHNSON

By: /s/David J. Williams
David J. Williams, Esq.
Jarvis, McArthur & Williams